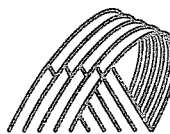


EAST KENTUCKY NETWORK
101 TECHNOLOGY TRAIL
IVEL, KY 41642
PHONE: (606) 874-7550
FAX: (606) 874-7551
EMAIL: INFO@EKN.COM
WEBSITE: WWW.EKN.COM

EAST KENTUCKY
NETWORK



April 29, 2009

Ryan Gatewood, Director
Division of Filings
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

RECEIVED

APR 30 2009

PUBLIC SERVICE
COMMISSION

RE: FINAL FAA AND KAZC DETERMINATIONS


Dear Mr. Gatewood,

Please find enclosed the final FAA and KAZC Determinations for the following cellular tower sites constructed in 2008.

1. 2008-00003 (Little Asher)
2. 2008-00004 (Thousand Sticks)
3. 2008-00088 (Downtown McKee)
4. 2008-00087 (Vincent)
5. 2008-00089 (Blackey)
6. 2008-00265 (Index)
7. 2008-00266 (Dressen)
8. 2008-00267 (Evarts)
9. 2008-00318 (Pine Hill)
10. 2008-00466 (Hyden)
11. 2008-00450 (Egypt)
12. 2008-00319 (Bear Branch)

If there is any further information you require, please don't hesitate to let me know. My direct line is 606-874-7550, ext. 166.

Thank you so much,


Janice Robinson
Technical Site Coordinator

Enclosures

OW
11-08

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)
NETWORK LIMITED LIABILITY COMPANY FOR)
THE ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A TOWER IN HARLAN COUNTY, KENTUCKY)

CASE NO.
2008-00266

Dressen

ORDER

Items 1, 3 & 4

On July 30, 2008, East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 315 feet in height, with attached antenna, to be located on a tract of land at Dressen near the city of Harlan, Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 49' 50.6" by West Longitude 83° 19' 44.5".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning

Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 315 feet in height, with

attached antenna, and is to be located on a tract of land at Dressen near the city of Harlan, Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 49' 50.6" by West Longitude 83° 19' 44.5".

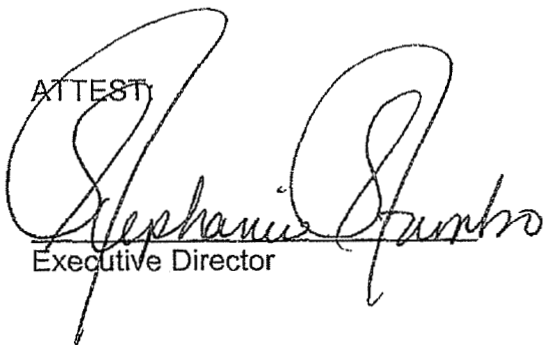
2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

4. The Applicant shall also notify the Commission in writing, within 20 days of completion, that it has finished construction of the tower and the date upon which said construction was complete.

Done at Frankfort, Kentucky, this 28th day of August, 2008.

By the Commission

ATTEST

Executive Director



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Antenna Structure Registration

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[FCC Site Map](#)

ASR Registration Search

Registration 1265240

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Registration Detail

Reg Number	1265240	Status	Granted
File Number	A0610291	Constructed	
FAA Study	2008-ASO-3428-OE	EMI	No
FAA Issue Date	08/11/2008	NEPA	No

Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Communications Purposes

Location (in NAD83 Coordinates - [Convert to NAD27](#))

Lat/Long 36-49-50.6 N 083-19-44.5 W 0.5 km West of
City, State Dressen , KY

Center of
AM Array

Heights (meters)

Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
426.7	96.0
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
522.7	91.4

Painting and Lighting Specifications

FAA Chapters 4, 8, 12

Paint and Light in Accordance with FAA Circular Number [70/7460-1K](#)

Owner & Contact Information

FRN	0001786607	Licensee ID	L00000729
-----	------------	-------------	-----------

Owner

East Kentucky Network, LLC d/b/a Appalachian
Wireless
101 Technology Trail
Ivel , KY 41642

P: (606)886-6007
E:

Contact

Gist , Pamela Esq
1650 Tysons Blvd., Suite 1500
McLean , VA 22102

P: (703)584-8665
E: pgist@fcclaw.com

Last Action Status

Status	Granted	Received	09/22/2008
Purpose	New	Entered	09/22/2008

Mode Interactive

Related Applications

09/22/2008 [A0610291](#) - New (NE)

Comments

Comments

None

Automated Letters

None

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Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
[Submit Help Request](#)



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2008-ASO-3428-OE

Issued Date: 08/11/2008

Ali Kuzehkanani
East Kentucky Network, LLC
1650 Tysons Boulevard, Suite 1500
McLean, VA 22102

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Dressen
Location: Dressen, KY
Latitude: 36-49-50.60N NAD 83
Longitude: 83-19-44.50W
Heights: 315 feet above ground level (AGL)
 1715 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part I)
 Within 5 days after the construction reaches its greatest height (7460-2, Part II)

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination expires on 02/11/2010 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (718) 553-4542. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ASO-3428-OE.

Signature Control No: 581611-103176806

(DNE)

Katie Venticinque
Technician

Attachment(s)
Frequency Data

Frequency Data for ASN 2008-ASO-3428-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
1850	1860	MHz	500	W
1930	1940	MHz	500	W



KENTUCKY AIRPORT ZONING COMMISSION

STEVE BESHEAR
GOVERNOR

90 AIRPORT ROAD
FRANKFORT, KY
www.transportation.ky.gov/aviation
502 564-4480

September 19, 2008

APPROVAL OF APPLICATION

APPLICANT:

EAST KENTUCKY NETWORK, LLC
C/O Lukas, Nace, Gutierrez, & Sachs, Chartered|1650 Tyson Blvd., Suite 1500
MCLEAN, VA 22102

SUBJECT: AS-048-I35-2008-138

STRUCTURE: Antenna Tower
LOCATION: Dressen, KY
COORDINATES: 36° 49' 50.6" N / 83° 19' 44.5" W
HEIGHT: 315' AGL/1715' AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 315' AGL/ 1715' AMSL Antenna Tower near Dressen, KY 36° 49' 50.6" N / 83° 19' 44.5" W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

M-Dual Lighting is required.

A handwritten signature in black ink, appearing to read "John Houlihan".

JOHN HOULIHAN
ADMINISTRATOR



An Equal Opportunity Employer M/F/D



KENTUCKY AIRPORT ZONING COMMISSION

STEVE BESHEAR
GOVERNOR

90 AIRPORT ROAD
FRANKFORT, KY
www.transportation.ky.gov/aviation
502 564-4480

CONSTRUCTION/ALTERATION STATUS REPORT

September 18, 2008

AERONAUTICAL STUDY NUMBER: AS-048-I35-2008-138

EAST KENTUCKY NETWORK, LLC
C/O Lukas, Nace, Gutierrez, & Sachs, Chartered|1650 Tyson Blvd., Suite 1500
MCLEAN, VA 22102

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on September 11, 2008. This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within the said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit. When appropriate, please indicate the status of the project in the place below and return this letter to JOHN HOULIHAN, AIRPORT ZONING ADMINISTRATOR, Kentucky Airport Zoning Commission, 90 AIRPORT ROAD BUILDING 400, FRANKFORT, KY, 40601. 502 564-4480.

STRUCTURE: Antenna Tower
LOCATION: Dressen, KY
COORDINATES: 36° 49' 50.6" N / 83° 19' 44.5" W
HEIGHT: 315' AGL / 1715' AMSL

CONSTRUCTION/ALTERATION STATUS

- The project () is abandoned. () is not abandoned.
- Construction status is as follows:
 Structure reached its greatest height of _____ ft. AGL
 _____ ft. AMSL on _____ (date).
 Date construction was completed. _____
 Type of obstruction marking/painting. _____
 Type of obstruction lighting. _____
 As built coordinates. _____
 Miscellaneous Information. _____
 DATE _____
 SIGNATURE/TITLE _____



Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622 APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE INSTRUCTIONS INCLUDED	Kentucky Aeronautical Study Number <u>AS-048-I35-08-138</u>
---	--

1 APPLICANT -- Name, Address, Telephone, Fax, etc East Kentucky Network, LLC c/o Lukas, Nace, Gutierrez & Sachs, Chtd 1650 Tysons Blvd, Suite 1500 McLean, VA 22102 T: 703-584-8667 F: 703-584-8692	9 Latitude: <u>36</u> ° <u>49</u> ' <u>50</u> " <u>6</u> " 10 Longitude: <u>89</u> ° <u>19</u> ' <u>44</u> " <u>5</u> " 11 Datum: <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> NAD27 <input type="checkbox"/> Other _____ 12 Nearest Kentucky City: <u>Dressen</u> County <u>Harlan</u> ✓ 13 Nearest Kentucky public use or Military airport: <u>Tucker Gulhrrie Memorial Airport</u> 14 Distance from #13 to Structure: <u>2.5</u> mi 15 Direction from #13 to Structure: <u>SE</u> 16 Site Elevation (AMSL): <u>1,400.00</u> Feet 17 Total Structure Height (AGL): <u>315.00</u> Feet 18 Overall Height (#16 + #17) (AMSL): <u>1,715.00</u> Feet 19 Previous FAA and/or Kentucky Aeronautical Study Number(s): _____ 20 Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey) Site is located approx 0.3 mi (0.5 km) west of Dressen (Harlan), KY
2. Representative of Applicant -- Name, Address, Telephone, Fax Ali Kuzehkanani Lukas, Nace, Gutierrez & Sachs, Chtd 1650 Tysons Blvd, Suite 1500 McLean, VA 22102 T: 703-584-8667 F: 703-584-8692	
3. Application for: <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing 4 Duration: <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Months _____ Days _____) 5 Work Schedule: Start <u>7/1/2008</u> End <u>7/15/2008</u> 6 Type: <input checked="" type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Power Line <input type="checkbox"/> Landfill <input type="checkbox"/> Water Tank <input type="checkbox"/> Other _____ 7 Marking/Painting and/or Lighting Preferred: <input type="checkbox"/> Red Lights and Paint <input checked="" type="checkbox"/> Dual - Red & Medium Intensity White <input type="checkbox"/> White - Medium Intensity <input type="checkbox"/> Dual - Red & High Intensity White <input type="checkbox"/> White - High Intensity <input type="checkbox"/> Other _____ 8 FAA Aeronautical Study Number _____	

21 Description of Proposal:

The structure will include a 300' tower with top-mounted antennas (overall height of 315' AGL) The ERP will be 500 watts

22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?
 No Yes, When June 19, 2008

CERTIFICATION: I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief

Ali Kuzehkanani/Dlr of Engineering	<u>6/19/2008</u>
Printed Name and Title	Date

Ali Kuzehkanani
Signature

PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 183.861 through 183.990) and Kentucky Administrative Regulations (602 KAR 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3) Non-compliance with Federal Aviation Administration Regulations may result in further penalties

Commission Action:

Approved Disapproved

Chairman, KAZC Administrator, KAZC

Date 9-18-08